

Docket No. 020425

Serial No. 10/792,162

REMARKS/ARGUMENTS

Claims 1-25 were pending in the application prior to this response. In this response, applicant amends claims 3, 7, 10, and 19. No claims have been canceled, and no claims have been added. Applicant respectfully submits claims 1-25 (as amended) for examination, reconsideration, and allowance.

In addition to the claim amendments, the specification has been amended, as discussed below. No new matter has been added; support for the amendments and the new claims is found throughout the application.

Summary of amendments to specification

Amendments to the specification have been made to correct clerical and obvious errors and omissions. Particularly, paragraph 1032 was amended to delete a sentence, paragraph 1034 was amended to refer to a step number shown in the drawings and described in the corresponding text, paragraph 1035 was amended to correct an obvious error (that a satellite high in the sky is more likely to be observable in an indoor environment than a satellite low in the sky), and paragraphs 1071 and 1074 were amended to more specifically follow the drawings, and to disclose the illustrated connection between the processor 440 and the conditioning units 432 and 438. No new matter has been added; support for the amendments is found throughout the application.

Rejections Under §112

Claim 10 was rejected under 35 U.S.C. §112, second paragraph for lack of antecedent basis for the term "additional delays". In response, applicant has amended the claim 10 to define this term. Clear support for the definition is found in paragraphs 1040 and 1058 of the specification, for example.

During review of the claims, applicant found two other claims in which the term "additional delays" was used (claims 3 and 19), and has amended those two claims similarly.

In view of the foregoing, applicant respectfully requests withdrawal of the rejection under §112.

Allowable subject Matter – "Objected to" Claims

The Examiner indicated that claim 7 would be allowable if rewritten to include all the limitations of the base claim and any intervening claims. In response, applicant has

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amended claim 7 to include the limitations of claims 1 and 5 from which it depends. Applicant requests allowance of claim 7.

Rejections Under §103

Claims 1-3, 5-6, 8, and 10-25 were rejected under 35 U.S.C. 103(a) as being unpatentable over Durrant et al. (US 2002/0155838 A1) in view of Reed et al. (U.S. Patent No. 6,275,707).

Claim 4 was rejected under 35 U.S.C. 103(a) as being unpatentable over Durrant et al. (US 2002/0155838 A1) in view of Reed et al. (U.S. Patent No. 6,275,707) and in further view of Robert (U.S. Patent No. 6,169,497).

Claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Durrant et al. (US 2002/0155838 A1) in view of Reed et al. (U.S. Patent No. 6,275,707) and in further view of Suprunov (US 2002/0005804 A1).

Applicant respectfully traverses this ground of rejection. Particularly, applicant believes that none of the references shows the claimed step of assigning the position of the repeater as a position estimate for the terminal, and therefore the references either separately or alone do not show all elements set forth in the original independent claims (claims 1, 16, 20, and 21).

Durrant discloses a system in which an RF signal repeater tags a repeated signal with an electronic signature so that signals passing between a mobile unit and a base station and through the RF signal repeater may be identified (paragraph [0012]).

The examiner asserts that Reed teaches a method and apparatus for assigning location estimates from a first transceiver to a second transceiver. Applicant respectfully traverses this assertion.

The passage cited by the examiner (col. 3, line 66 to col. 4, line 18) discloses "transferring a location estimate from a first transceiver ... to a second transceiver", but neither discloses nor suggests the claimed step of providing the position of the repeater as a position estimate for the terminal. In Reed, both the first and second transceivers perform their own position estimates, and then they exchange information to assist in determining the accuracy of the two position location estimates. Particularly, although Reed discloses that the position estimate of the first transceiver is transferred to the second transceiver in this context, the position estimate of the first transceiver is not assigned to the second

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transceiver, instead the position estimate is used to determine whether or not a position estimate made by a second transceiver has some accuracy.

In the claimed system, the position of the repeater is already known with some accuracy, and it is only the terminal whose position is not known. If the terminal cannot determine its position with some accuracy using the information available to it, then the known position of the repeater is assigned to the terminal.

Furthermore, it would not be obvious to modify Reed to assign the position of the first transceiver to the second transceiver, since neither is known with a high level of certainty. In comparison, in the claimed invention, the position of the repeater is known with great accuracy, and therefore its position can be relied upon with certainty by the terminal.

Therefore all independent claims 1, 16, 20, and 21 are patentable over the cited references. Since all other claims depend directly or indirectly from these claims, the dependent claims are also patentable.

In addition, regarding dependent claims 3, 10, and 19, applicant claims a method and/or apparatus in which "additional delays" associated with the repeater are utilized. The examiner asserts Durrant (abstract and paragraph [0045]) as disclosing this feature; however the cited sections of Durrant do not disclose or suggest any additional delays as defined by applicant. Applicant believes that Durrant does not even recognize the problem of internal delays as claimed by applicant, and therefore applicant believes that claims 3, 10, and 19 are patentable over the prior art of record.

Regarding claims 5, 6, 17, 18, applicant claims, *inter alia*, a method and a means for "determining whether the terminal is in an indoor or an outdoor environment...". The examiner asserts Durrant, paragraph 0042 as disclosing this feature; however the cited paragraph does not disclose or address the issue of determining whether the terminal is located indoors or outdoors. Therefore applicant believes that claims 5, 6, 17, and 18 are patentable over the prior art of record.

Therefore the references, taken separately or in combination, do not fairly teach or suggest applicant's claimed invention.

In view of the foregoing, applicant respectfully requests withdrawal of the rejection under §103.

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CONCLUSION

Applicant therefore respectfully requests that a timely Notice of Allowance be issued in this case. Applicants believe that a complete response has been made to the outstanding office action. If the examiner believes that a personal communication would be useful to resolve any outstanding issues, the examiner is invited to call the attorney at the telephone number below.

In the event that additional fees are required or credit is due, authorization is hereby given to charge Deposit Acct. No. 17-0026.

Respectfully submitted,

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